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**NOTICE OF ALLOWANCE  
AND BASE ISSUE FEE DUE**

# 5

 PAUL H. GINSBURG  
SCHERING-PLOUGH CORP.  
PAT. DEPT.  
2000 GALLOWING HILL RD.  
KENILWORTH, NJ 07033

All communications regarding this application should give the serial number, date of filing, name of applicant, and batch number.

Please direct all communications to the Attention of "OFFICE OF PUBLICATIONS" unless advised to the contrary.

 The application identified below has been examined and found allowable for issuance of Letters Patent. PROSECUTION ON THE MERITS IS CLOSED.

	SC/SERIAL NO.	FILING DATE	TOTAL CLAIMS	DATE MAILED	EXAMINER AND GROUP ART UNIT
	06/160,775	06/19/80	013	01/05/81	SCHWARTZ/R 121
First named applicant	VILANI, FRANK				

TITLE OF INVENTION: ANTIHISTAMINIC 11-(4-PIPERIDYLIDENE)-5H-BENZO-(5,6)-CYCLOHEPTA-(1,2)-B-PYRIDINES

BASE FEE COMPUTATION			BASE FEE DUE	ATTY'S DOCKET NO.	CLASS - SUBCLASS	BATCH NO.
\$100 +	0	(for dwg. @ \$2 per sheet) + \$10 =	110		924-267.000	C59

The complete Issue Fee is one hundred dollars (\$100) plus two dollars (\$2) for each sheet of drawing, plus ten dollars (\$10) for each printed page of specification (including claims) or portion thereof. Inasmuch as the final number of printed pages cannot be determined in advance of printing, an initial BASE ISSUE FEE (consisting of the fee for printing the first page of specification (\$10) plus the fee of (\$2) for each sheet of drawing, added to the fee of \$100) MUST BE PAID WITHIN THREE MONTHS FROM THE DATE OF THIS NOTICE, or the application shall be regarded as ABANDONED. The Base Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

In order to minimize delays in the issuance of a patent based on this application, this Notice may have been mailed prior to completion of final processing by the Examining Group. It is recognized that the nature and/or extent of the remaining revision or processing requirements may cause slight delays in the printing of the patent. In addition, if prosecution is to be reopened, this Notice of Allowance will be vacated and the appropriate Office action will follow in due course. If the base issue fee has already been paid and prosecution is reopened, the applicant may request a refund or request that the fee be credited to a Deposit Account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted base issue fee be applied. If abandoned, applicant may request refund or credit to a Deposit Account.

In the case of each patent issuing without an assignment, the complete post office address of the inventor(s) will be printed in the patent heading and in the Official Gazette. If the inventor's address is now different from the address which appears in the application, please fill in the information in the spaces provided on PTOL-85c enclosed. If there are address changes for more than two inventors, enter the additional addresses on the reverse side of the PTOL-85c.

The appropriate spaces in the ASSIGNMENT DATA section of PTOL-85b must be completed in all cases. If it is desired to have the patent issue to an assignee, an assignment must have been previously submitted to the Patent and Trademark Office or must be submitted herewith as required by 37 C.F.R. 1.334. Where there is an assignment, the assignee's name and address must be provided on the PTOL-85b to insure its inclusion in the printed patent.

Advance orders for 10 or more printed copies of the prospective patent can be made by completing the information in Section 4 of PTOL-85b and submitting payment therewith. If use of a Deposit Account is being authorized for payment, PTOL-85c should also be forwarded. The order must be for at least 10 copies and must accompany the issue fee. The copies ordered will be sent only to the address specified in section 1 or 1A of PTOL-85b.

If an additional fee is due, a Notice of Balance of Issue Fee Due will be mailed together with the patentee's copy of the patent. Payment must be made within three months from the date shown on said Notice since FAILURE TO PAY THIS BALANCE WITHIN THE SPECIFIED PERIOD WILL RESULT IN LAPSE OF THE PATENT.



Note attached communication from Examiner.

**IMPORTANT**

ATTENTION IS DIRECTED TO 37 C.F.R. 1.334

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 THE PATENT WILL ISSUE TO APPLICANT  
UNLESS AN ASSIGNEE IS SHOWN IN  
ITEM 3 ON FORM PTOL-85b, ATTACHED



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
160,795	06/19/80	Frank Villani	2206

EXAMINER	
Schwartz	
ART UNIT	PAPER NUMBER
121	5 <i>JB</i>

DATE MAILED:

*Washington*

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ THIS IS AN ATTACHMENT TO THE NOTICE OF ALLOWANCE AND BASE ISSUE FEE DUE
2. ☒ All of the claims being allowable, PROSECUTION ON THE MERITS IS CLOSED in this application in view of: (If not attached hereto, a Notice of Allowance or other appropriate communication will be sent in due course).
- a. ☐ Applicant's communication filed \_\_\_\_\_
- b. ☒ Interview summarized on attached EXAMINER INTERVIEW SUMMARY RECORD.
- c. ☒ Examiner's Amendment to the Record below. Should the changes and/or additions below be unacceptable to applicant, an appropriate amendment to the record may be proposed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it must be submitted before or with the remittance of the Base Issue Fee.
- d. ☐ An Examiner's Amendment will follow.
3. ☐ PROSECUTION ON THE MERITS REMAINS CLOSED. Should the changes and/or additions below be unacceptable to applicant, an appropriate amendment to the record may be proposed as provided 37 C.F.R. 1.312. To ensure consideration of such an amendment, it must be submitted before or with the remittance of the Base Issue Fee.

----- EXAMINER'S AMENDMENT TO THE RECORD -----

- A. ☐ Note statement of reasons for allowance contained below. Any comments considered necessary by applicant regarding reasons for allowance must be submitted no later than the payment of the Base Issue Fee, preferably with it, to avoid processing delays. Such submissions should be clearly labeled, "Comments on Statement of Reasons for Allowance."
- B. ☒ Note attached NOTICE OF REFERENCES CITED, PTO - 892, which is part of this communication. The listed references are considered to be pertinent to the claimed invention, but the claims are deemed to be patentable thereover.
- C. ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
- D. ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
- E. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has; ☐ been received.  
☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_  
filed on \_\_\_\_\_
- F. ☒ Note amendment to Specification, Claims and/or Drawing contained below.

Pursuant to a telephone conversation between Mr. Ginsburg and Examiner Schwartz on December 9, 1980, this application has been amended as follows:

At page 2, line 4, after "sulfonyl", -- for example Y is -COOR or

*B!* SO<sub>2</sub>R, with the proviso that when Y is -COOR, R is C<sub>1</sub> to C<sub>12</sub> alkyl, substituted C<sub>1</sub> to C<sub>12</sub> alkyl, phenyl, substituted phenyl, C<sub>7</sub> to C<sub>12</sub>

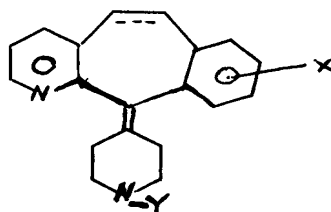
B1  
<sup>phenyl</sup>  
<sup>phenyl</sup>  
 ^ alkyl, C<sub>7</sub> to C<sub>12</sub> ^ alkyl wherein the phenyl moiety is substituted or  
 R is -2, -3, or -4 piperidyl or N-substituted piperidyl wherein the  
 substituents on said substituted C<sub>1</sub> to C<sub>12</sub> alkyl are selected from  
 amino or substituted amino and the substituents on said substituted  
 amino are selected from C<sub>1</sub> to C<sub>6</sub> alkyl, the substituents on said  
 substituted phenyl and on said substituted phenyl moiety of the  
 C<sub>7</sub> to C<sub>12</sub> <sup>phenyl</sup>  
 ^ alkyl are selected from C<sub>1</sub> to C<sub>6</sub> alkyl and halo, and the  
 substituent on said N-substituted piperidyl is C<sub>1</sub> to C<sub>4</sub> alkyl; and  
 with the proviso that when Y is SO<sub>2</sub>R, R is C<sub>1</sub> to C<sub>12</sub> alkyl, phenyl,  
 substituted phenyl, C<sub>7</sub> to C<sub>12</sub> <sup>phenyl</sup>  
 ^ alkyl, C<sub>7</sub> to C<sub>12</sub> <sup>phenyl</sup>  
 ^ alkyl wherein the  
 phenyl moiety is substituted, wherein the substituents on said  
 substituted phenyl and said substituted phenyl moiety of the C<sub>7</sub> to C<sub>12</sub>  
<sup>phenyl</sup>  
 ^ alkyl are selected from C<sub>1</sub> to C<sub>6</sub> alkyl and halo -- has been inserted.

At page 2, lines 6 and 16, "C<sub>12</sub>" has been changed to -- C<sub>6</sub> --.

At page 6, line 21, before "N", -- 11-( -- has been inserted;  
 after "piperidylidene", -- ) -- has been inserted.

Claim 1 has been cancelled.

Claim 2, line 1, "A compound according to claim 1," has been  
 cancelled and replaced by -- A compound of the formula



(I)

wherein the dotted line represents an optional double bond; X is  
 hydrogen or halo; and --

Claim 2, line 10, "moeity" has been replaced by -- moiety of the  
<sup>phenyl</sup>  
 C<sub>7</sub> to C<sub>12</sub> ^ alkyl --; line 17, after "moiety", -- of the C<sub>7</sub> to C<sub>12</sub> phenyl-

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Art Unit 121

alkyl -- has been inserted.

Claims 3 and 4, line 2 of each, "2" has been changed to -- 1 --.

Claim 13, line 1, before "pharmaceutical", -- antihistaminic --  
"A" has been changed to -- An --;  
has been inserted; lines 2-3, "the preceding" has been deleted;  
line 3, after "claims", -- 1-11 -- has been inserted.

Claim 2, line 4 (both occurrences), line 14 and line 15,  
"aralkyl" has been changed to -- phenylalkyl --.

Page 2, line 7, line 13, line 17 & line 19, "phenyl-" has  
been deleted.

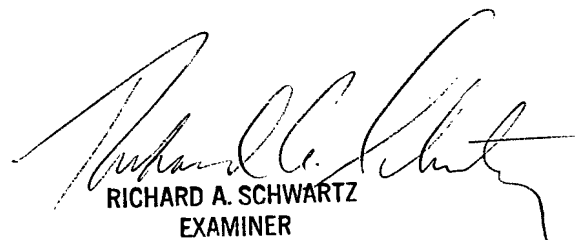
In the Abstract, line 1, "Novel" has been deleted.

In the Title, "NOVEL" has been replaced by -- ANTIHISTAMINIC --.

Claims 2-14, having been examined and found allowable, are  
being passed for issue.

The Villani et al paper, disclosing piperidine carboxamides  
analogous to the instant compounds, and the remainder of the  
references cited by applicant, disclosing alkyl substituted  
piperidines analogous to the instant compounds, are cited to  
show the state of the art.

Schwartz  
A/C 703  
557-2517  
12/09/80

  
RICHARD A. SCHWARTZ  
EXAMINER  
GROUP ART UNIT 121